

ORIGINAL

(41)  
4-8-02  
SC

FILED

APR 05 2002

PER  
HARRISBURG, PA DEPUTY C

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 1:CV-00-2125

(Judge Caldwell)

**DEFENDANTS' MOTION FOR  
LEAVE TO FILE STATEMENT OF MATERIAL FACTS**


AND NOW, come the Defendants, Kenneth Kyler, et al., by and through their attorney, Raymond W. Dorian, Assistant Counsel, and hereby requests leave to file their Statement of Material Facts Not in Dispute nunc pro tunc. On March 14, 2002, the Defendants filed their motion for summary judgment and supporting brief and appendix. Inadvertently the Defendants' Statement of Material Facts Not in Dispute was not filed on that date. The Defendants now wish to remedy this omission. This is the first

such request made by the Defendants. The granting of this request will not prejudice the Plaintiff.

WHEREFORE, the Defendants request that the Court grant them leave to file their Statement of Material Facts Not in Dispute nunc pro tunc.

Respectfully submitted,

Office of General Counsel



---

Raymond W. Dorian  
Assistant Counsel  
Attorney I.D. No. 48148  
Pennsylvania Department of  
Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: April 5, 2002

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CLEARY,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 1:CV-00-2125

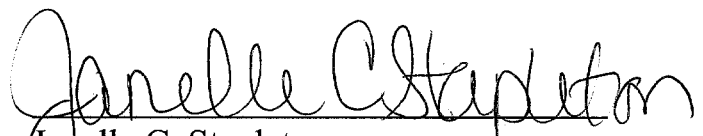
(Judge Caldwell)

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the foregoing Defendants' Motion for Leave to File Statement upon the person(s) and in the manner indicated below.

Service by first-class mail  
addressed as follows:

John Cleary, DF-5779  
SCI-Pittsburgh  
P.O. Box 99901  
Pittsburgh, PA 15233

  
Janelle C. Stapleton  
Clerk Typist 2

Pennsylvania Department of Corrections  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444

Dated: April 5, 2002